

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14867, of John Duffy, as amended, pursuant to 11 DCMR 3107.2, for a variance from the minimum lot area and width of lot requirements (Sub-section 401.3), a variance from the maximum allowable lot occupancy requirements (Sub-section 403.2), a variance from the minimum rear yard requirements (Sub-section 404.1), a variance from the minimum width of an open court requirement (Sub-section 406.1), and a variance from the off-street parking requirements (Sub-section 2101.1) for the proposed construction of a single-family row dwelling in an R-2 District at premises 4120 Ellicott Street, N.W., (Square 1736, Lot 45).

HEARING DATE: September 28, 1988
DECISION DATE: September 28, 1988 (Bench Decision)

SUMMARY ORDER

At the public hearing, the applicant amended the application by withdrawing a variance from the use provisions under Sub-section 300.3 to construct a flat.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission ("ANC) 3E and to owners of property within 200 feet of the site.

The site of the application is located in ANC 3E. ANC 3E, which is automatically a party to the application, filed a written statement in support of the granting of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 401.3, 403.2, 404.1, 406.1 and 2101.1.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application

is GRANTED, SUBJECT TO THE CONDITION that revisions shall may be made to the plans marked as Exhibit No. 7 of the record to make the structure suitable for occupancy as a single family dwelling.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-1 (Paula L. Jewell, Carrie L. Thornhill and Charles R. Norris to grant; William F. McIntosh opposed to the motion; John G. Parsons not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 18 1968

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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